

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

**CHARLESTON DIVISION**

RICHARD RACH, III,

Petitioner,

v.

CIVIL ACTION NO. 2:19-cv-00822  
(Criminal No. 2:18-cr-00004-3)

UNITED STATES OF AMERICA,

Respondent.

**ORDER**

This action was referred to United States Magistrate Judge Omar Aboulhosn for submission of proposed findings of fact and recommendations for disposition pursuant to 28 U.S.C. § 636. Magistrate Judge Aboulhosn submitted his Proposed Findings & Recommendations [ECF No. 269] (“PF&R”) and recommended that I **GRANT** Mr. Rach’s letter form Motion to Withdraw [ECF No. 268] and **DISMISS WITHOUT PREJUDICE** his Motion under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody [ECF No. 209]. Neither party timely filed objections to the PF&R nor sought an extension of time.

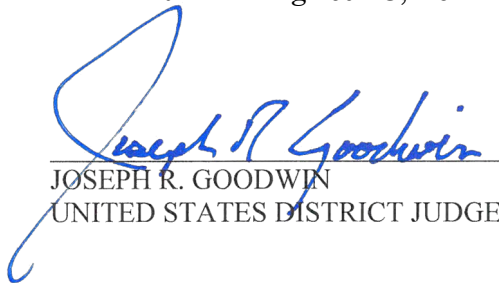
A district court “shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” 28 U.S.C. § 636(b)(1)(C). This Court is not, however, required to review, under a de novo or any other standard, the factual or legal conclusions of the magistrate judge

as to those portions of the findings or recommendation to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985).

Because the parties have not filed objections in this case, the Court adopts and incorporates herein the PF&R and orders judgment consistent therewith. The Court **GRANTS** Mr. Rach's Motion to Withdraw [ECF No. 268], **DISMISSES** this matter [ECF No. 209] **WITHOUT PREJUDICE**, and orders it removed from the docket.

The Court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: August 23, 2022



JOSEPH R. GOODWIN  
UNITED STATES DISTRICT JUDGE